IN THE UNITED STATES DISTRICT COURT FINE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION Clerk, U. S. District Court

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Clerk, U. S. District Court Western District of Texas

Deputy

MELINDA KALANTA AND NICHOLAS KALANTA, BOTH INDIVIDUALLY AND AS NEXT FRIEND OF TYLER KALANTA, MINOR CHILD

Plaintiff

VS.

UNITED STATES OF AMERICA

Defendant

CIVIL ACTION NO. A06CA479SS

ORDER APPROVING SETTLEMENT ON BEHALF OF MINOR

On this <u>26th</u> day of <u>February</u>, 2007, the above-referenced matter came on for hearing and approval by the Court as to the reasonableness of a settlement between the United States of America and Tyler Kalanta, a Minor by and through his Parents, Melinda Kalanta and Nicholas Kalanta, Both Individually and as Next Friends. Plaintiffs appeared through counsel of record. Plaintiff Tyler Kalanata, a minor, also appeared by and through his Guardian Ad Litem, Neal Hardin. Defendant the United States of America appeared through its counsel.

The complete and precise terms and conditions of the settlement are set forth in the Stipulation For Compromise Settlement And Release Of Federal Tort Claims Act Claims Pursuant To 28 U.S.C. § 2677 (hereinafter "Stipulation For Compromise"), attached as Exhibit "A". The Court has reviewed the Stipulation For Compromise, taken testimony, and heard arguments in favor of this settlement. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement. The Court understands that this settlement is contingent upon the satisfaction of the terms and conditions set forth in Exhibit A, including the

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necessity of approval by the Attorney General of the United States (which has been obtained)

and an Order approving the settlement on behalf of the minor. The Guardian Ad Litem has

recommended that the Court approve the settlement. The Court finds that this settlement is fair,

reasonable, and in the best interests of Tyler Kalanta, a minor.

IT IS THEREFORE ORDERED that the settlement, as set forth in Exhibit

A, is hereby approved.

IT IS FURTHER ORDERED that Plaintiffs' attorneys' fees in this action shall be

twenty-five percent (25%) of Three Hundred Fifty Thousand Dollars (\$350,000.00). The parties

agree and the Court holds that any of the fees for legal services incurred by Plaintiffs in this

litigation or in obtaining any court approval of this settlement shall be considered attorneys' fees

and not costs, and shall be subject to the provisions of 28 U.S.C. §2678. The Court finds that

the costs and expenses associated with the litigation are fair, reasonable, and necessary. IT IS

FURTHER ORDERED that such costs and expenses are approved and are to be paid out of the

settlement funds.

IT IS FURTHER ORDERED that upon receipt of the settlement check from the United

States Attorneys Office, Plaintiffs shall file a dismissal of this action with prejudice, with each

party bearing its own costs, expenses, and fees.

SAM SPARKS

LINITED STATES DISTRICT HIDGE

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